

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JOHN SCONE,**

**Plaintiff,**

**v.**

**3:11-CV-0878**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

Lachman, Gorton Law Firm  
P.O. Box 89  
1500 East Main Street  
Endicott, NY 13761-0089  
Counsel for Plaintiff

Peter A. Gorton, Esq.

Social Security Administration  
Office of Regional General Counsel  
Region II  
26 Federal Plaza - Room 3904  
New York, NY 10278  
Counsel for Defendant

Sandra M. Grossfeld, Esq.

**NORMAN A. MORDUE, U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed on the 9<sup>th</sup> day of August 2012. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

**ORDERED** that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Defendant's Motion for Judgment on the Pleadings is denied, Plaintiff's Motion for Judgment on the Pleadings is granted, and this case is remanded for further administrative proceedings.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: September 13, 2012  
Syracuse, New York



Honorable Norman A. Mordue  
U.S. District Judge